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10 Attorneys for Defendant
11 COUNTY OF SANTA CLARA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 (San José Division)

15 CALVARY CHAPEL SAN JOSE, et al.,

16 Plaintiffs,

17 v.

18 COUNTY OF SANTA CLARA,

19 Defendant.

No. 20-CV-03794 BLF

**DECLARATION OF XAVIER M.
BRANDWAIN IN SUPPORT OF
DEFENDANT COUNTY OF SANTA
CLARA'S OPPOSITION TO PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date: January 26, 2023

Time: 9:00 a.m.

Crtrm: 3, 5th Floor

Judge: The Hon. Beth Labson Freeman

1 I, XAVIER M. BRANDWAJN, declare:

2 1. I am a Deputy County Counsel for the County of Santa Clara, attorneys of record
3 herein for Defendant County of Santa Clara (“County”). I make this declaration in support of the
4 County’s Opposition to Plaintiffs’ Motion for Partial Summary Judgment. If called as a witness, I
5 could and would competently testify to the following facts, all of which are within my own personal
6 knowledge unless stated otherwise.

7 2. Attached as Exhibit A is a true and correct copy of excerpts from the transcript of the
8 June 11, 2021 deposition of Michael McClure.

9 3. Attached as Exhibit B is a true and correct copy of excerpts from the transcript of the
10 April 28, 2021 deposition of Christopher Adams.

11 4. Attached as Exhibit C is a true and correct copy of excerpts from the transcript of the
12 April 27, 2021 deposition of Eliza Perez.

13 5. Attached as Exhibit D is a true and correct copy of excerpts from the transcript of the
14 September 29, 2022 Federal Rule of Civil Procedure 30(b)(6) deposition of plaintiff Calvary Chapel
15 San José (Michael McClure).

16 6. Attached as Exhibit E is a true and correct copy of excerpts from the transcript of the
17 April 27, 2021 deposition of Brit Grim.

18 7. Attached as Exhibit F is a true and correct copy of excerpts from the transcript of the
19 June 9, 2021 deposition of Laura Munguia.

20 8. Attached as Exhibit G is a true and correct copy of excerpts from the transcript of the
21 June 9, 2021 deposition of Jerald Victor Allen.

22 9. Attached as Exhibit H is a true and correct copy of excerpts from the transcript of the
23 June 10, 2021 deposition of Carson Atherley.

24 10. Attached as Exhibit I is a true and correct copy of the transcript of the October 21,
25 2020 hearing before the Office of the County Hearing Office.

26 11. Attached as Exhibit J is a true and correct copy of excerpts from the transcript of the
27 July 21, 2022 Federal Rule of Civil Procedure 30(b)(6) deposition of the County (Michael Balliet).

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1 12. Attached as Exhibit K is a true and correct copy of excerpts from the transcript of the
2 August 18, 2022 Federal Rule of Civil Procedure 30(b)(6) deposition of the County (Dr. Sara Cody).

3 13. Attached as Exhibit L is a true and correct copy of excerpts from the transcript of the
4 August 19, 2022 Federal Rule of Civil Procedure 30(b)(6) deposition of the County (Dr. Sarah
5 Rudman).

6 14. Attached as Exhibit M is a true and correct copy of a document produced by Plaintiffs
7 and Bates labeled CCSJ000851-856.

8 15. Attached as Exhibit N is a true and correct copy of excerpts from transcript of the
9 October 21, 2022 deposition of Anne Stenehjem.

10 16. Attached as Exhibit O is a true and correct copy of excerpts from the transcript of the
11 October 14, 2022 deposition of William Shepherd.

12 17. Attached as Exhibit P is a true and correct copy of excerpts from the transcript of the
13 October 24, 2022 deposition of Megan Fraboni.

14 18. Attached as Exhibit Q is a true and correct copy excerpts from the transcript of the
15 April 30, 2021 deposition of Deedy Walker.

16 19. Attached as Exhibit R is a true and correct copy of a document produced by Plaintiffs
17 and Bates labeled CCSJ000803-804.

18 20. Attached as Exhibit S is a true and correct copy of documents produced by Plaintiffs
19 and Bates labeled CCSJ000878-887.

20 21. Attached as Exhibit T is a true and correct copy of excerpts from the transcript of the
21 October 20, 2022 deposition of Roger Gliebe.

22 22. Attached as Exhibit U is a true and correct copy of documents produced by Plaintiffs
23 and Bates labeled CCSJ000872-877.

24 23. Attached as Exhibit V is a true and correct copy of documents produced by Plaintiffs
25 and Bates labeled CCSJ000975-1002.

26 24. Attached as Exhibit W is a true and correct copy of documents produced by Plaintiffs
27 and Bates labeled CCSJ001146-1152.

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25. Attached as Exhibit X is a true and correct copy of excerpts from the transcript of the April 26, 2021 deposition of Jason Zybszinski.

26. Attached as Exhibit Y is a true and correct copy of the County's expert disclosure for Arthur Reingold, M.D., served on November 10, 2022.

27. Attached as Exhibit Z is a true and correct copy of the County's expert disclosure for Daniel Ho, served on November 10, 2022.

28. In total, Calvary was assessed \$4,303,925 in fines and late fees for its 10 months of ongoing violations of the Public Health Orders.

I declare under penalty of perjury under the laws of the United States of America and California that the foregoing is true and correct and that this declaration was executed on November 18, 2022, in San José, California.

/s/ Xavier M. Brandwajn

XAVIER M. BRANDWAJN

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